



**OAK RIDGE TOWN COUNCIL MEETING
AUGUST 1, 2019 – 7:00 P.M.
OAK RIDGE TOWN HALL**

MINUTES

Members Present

Spencer Sullivan, Mayor
Jim Kinneman, Mayor Pro Tem
George McClellan
Doug Nodine

Staff Present

Bill Bruce, Town Manager
Sean Taylor, Planning Director
Michael Thomas, Town Attorney
Sandra Smith, Town Clerk
Sam Anders, Finance Officer

Members Absent

Ann Schneider

1. CALL TO ORDER

Mayor Spencer Sullivan called the meeting to order at 7:00 p.m.

A. Invocation.

Pastor Marcia Isley of St. James AME Church offered the invocation.

B. Pledge of Allegiance.

2. APPROVE AGENDA

Mayor Pro Tem Jim Kinneman made a motion to approve the meeting agenda. Councilman George McClellan seconded the motion, and it was passed unanimously (4-0).

3. APPROVE MINUTES

Councilman McClellan made a motion to approve the minutes of the July 11, 2019 regular meeting. Mayor Pro Tem Kinneman seconded the motion, and it was passed unanimously (4-0).

4. RESOLUTIONS, PROCLAMATIONS, ANNOUNCEMENTS

None

5. REPORT FROM GUILFORD COUNTY SHERIFF'S OFFICE

- Lt. Jeremy Fuller from District 1 of the Guilford County Sheriff's Office reported that there were 64 calls for service in Oak Ridge in July, with only two Part 1 crimes

reported, which were for theft of property and shoplifting. No burglaries or motor vehicle breakings & enterings were reported.

6. REPORT FROM OAK RIDGE FIRE DEPARTMENT

- Assistant Chief Sam Anders reported the department responded to 61 calls in July – 32 of a medical nature and 29 of a fire/service-related nature – and department members received 233 hours of training. For the monthly safety tip, Anders reminded residents that Oak Ridge does have areas that are prone to flooding and urged them not to attempt to cross flooded areas on foot or in a vehicle. He told them to remember the saying, “Turn around. Don’t drown.”

7. PUBLIC HEARINGS

- A. **REZONING CASE # RZ-19-02:** AG (Agricultural) to RS-40 (Residential–Minimum 40,000 sq. ft. lots). The property is located on the south side of Oak Ridge Road, approximately 400 feet west of the intersection with East Harrell Road, in Oak Ridge Township. It is Guilford County Tax Parcels #0163029 and 0163041, consisting of approximately 52.596 acres. It is located in the Greensboro (GW-III) Watershed, Scenic Corridor Overlay Zone, and is owned by Spencer Sullivan, Linda Sullivan, Ruth Edwards, Ruby Dance and Susan Thomas.

Mayor Sullivan announced that the case involved his property and asked to be recused. He asked Mayor Pro Tem Kinneman to conduct the public hearing.

Mayor Pro Tem Kinneman made a motion to recuse Mayor Sullivan. Councilman McClellan seconded the motion, and it was passed by a 3-0 vote.

Mayor Pro Tem Kinneman explained the rules for the public hearing, then asked about the number of votes required to pass the rezoning request that evening. Town Attorney Michael Thomas said that due to the requirements in the general statute, the vote that evening would have to be unanimous to pass an ordinance.

Planning Director Sean Taylor read the property description into the record and presented the staff report, which is hereby incorporated by reference and made a part of the minutes. He said the applicant would request a waiver for the street stub because the topography would not allow for a reasonable connection on the properties to the north, and all other adjacent properties had previously been developed. He reported that staff thought the request was consistent with the Future Land Use Plan and recommended approval. Taylor said the Planning & Zoning Board had also recommended approval by a 7-0 vote.

Kinneman asked if the street connection waiver was also being considered at this time. Taylor said no, but it would be considered by the Planning & Zoning Board at its next meeting.

Jason Streck, a member of the Planning & Zoning Board, reported on behalf of the Board. He told the Council that no one had spoken in opposition to the rezoning at the Board’s meeting. He said Board members had discussed the connector road, and he said the rezoning seemed consistent with all surrounding development.

Kinneman opened the public hearing.

Proponents:

- Chris Rohrer of Land Solutions, 200 S. Regional Road, Greensboro, spoke on behalf of the applicants. He said an open house for neighbors had been held, with notifications sent to all those the Town had informed by mail about the rezoning. He said only three couples attended, and they voiced no real concerns. He said the subdivision would have larger lots, and the property is designated for residential development on the Future Land Use Plan. He said it meets the plan's objective that lots at least 40,000 square feet be created in developments outside the Town Core. Rohrer asked for the Council's approval.

Opponents:

- None

With no need for rebuttal from either side, Mayor Pro Tem Kinneman closed the public hearing.

Council discussion/questions:

- Councilman McClellan said the request seemed fairly straightforward, and Councilman Nodine said it meets objectives in the Land Use Plan.
- Mayor Pro Tem Kinneman verified that there are no wetlands on the property other than a spring; Taylor agreed there were no wetlands and said there would be no impact on the stream.

Councilman McClellan made a motion that the proposed zoning amendment be approved based on the following:

1. *The proposed zoning amendment is consistent with the adopted comprehensive plan of the Town of Oak Ridge. The Planning Board has provided the Council with its written statement that the proposed zoning amendment is consistent with the comprehensive plan, and the Council concurs and adopts the Planning Board's finding of consistency by reference. In addition, the Council further finds that the proposed zoning amendment is consistent with the comprehensive plan because:*
 - *Objective 1.2 of the Land Use Plan adopted by Council on January 7, 2016 recommends RS-40 outside the Town Core on properties with marginal environmental, agricultural, historic, or community open space value.*
- AND*
2. *The proposed zoning amendment is reasonable. The Council considers the proposed zoning amendment to be reasonable because:*
 - A. *The report of the Town staff finding the proposed zoning amendment to be reasonable is adopted by reference.*
 - B. *The Council further finds that the proposed zoning amendment is reasonable because it is consistent with Objective 1.2 of the Land Use Plan as adopted by Council on January 7, 2016.*
- AND*
3. *The proposed zoning amendment is in the public interest. This Council considers the proposed zoning amendment to be in the public interest because:*

- A. *The report of the Town staff finding the proposed zoning amendment to be in the public interest is adopted by reference.*
- B. *The Council further finds that the proposed zoning amendment is in the public interest because it is consistent with Objective 1.2 of the Land Use Plan as adopted by Council on January 7, 2016.*

Councilman Nodine seconded the motion and Council's vote in favor was 3-0.

Town Attorney Michael Thomas said that in reviewing NC General Statute 160A-75 regarding a two-thirds favorable vote required for ordinances to pass on the day of introduction, the statute refers to the actual membership on the Council, regardless of recusals or absences, which in this case is a total of five. Since this issue has not been before the Council previously and it did not pass by a 66 $\frac{2}{3}$ percent majority vote, Council will need to vote again on it at its next meeting. Thomas said the Council does not need to reopen or conduct another public hearing, but just call for a vote. Mayor Sullivan, who was reseated at the dais, asked if the Council would have been required to have five votes in favor. Thomas said no, but a 66 $\frac{2}{3}$ percent majority vote is required on day of introduction and Council's immediate vote in favor was only three out of five, which is 60 percent.

- B. **REZONING CASE # RZ-19-03:** AG (Agricultural) to RS-40 (Residential–Minimum 40,000 sq. ft. lots). The properties are located on the south side of Oak Ridge Road, approximately 830 feet west of the intersection with Pepper Road and between Bridgehead Road and Union Grove Road, in Oak Ridge Township. They are Guilford County Tax Parcels #0165763, 0165745, 0165755 and 0165761 consisting of approximately 25.36 acres and are located in the Greensboro (GW-III) Watershed, Scenic Corridor Overlay Zone. They are owned by Jeffrey Swisher and Paula Richards.

Planning Director Taylor read the property description into the record and presented the staff report, which is hereby incorporated by reference and made a part of the minutes. He explained that the property is located between Bridgehead and Union Grove roads, and that the majority of proposed lots will have driveway access to either Bridgehead Road or Union Grove Road; a new 500-foot road will be constructed on Bridgehead Road and some of the driveways will access it.

Planning & Zoning Board member Jason Streck reported that there was some public opposition at the Board meeting, but most seemed to be based on concerns regarding the traffic on Bridgehead Road and the quality of that road. He said the request appeared consistent with the Land Use Plan and the Board voted to recommend approval.

Mayor Pro Tem Kinneman asked if the property was in the Town or in the Extraterritorial Jurisdiction (ETJ) area. Taylor said two of the parcels are in the Town and two are in the ETJ. Kinneman asked if the developer had been asked that the property be voluntarily annexed, and Taylor said the developer was very interested in that. Kinneman asked if NCDOT would require the developer to improve Bridgehead Road, and Taylor said that was up to NCDOT.

Sullivan opened the public hearing.

Proponents:

- Chris Rohrer of Land Solutions, 200 S. Regional Road, Greensboro, said he had been working with the developer and landowner. He said if the rezoning is approved, they would seek voluntary annexation into the Town. He said surrounding property owners had been mailed an invitation to an open house; he said one citizen attended and one requested information via email. Rohrer said the property was designated for residential use on the Land Use Plan, and that the request was for RS-40 zoning, which is recommended for development outside the Town Core. He asked for Council's approval.

Opponents:

- William Boland, 4200 Bridgehead Road, said he and other neighbors were concerned because another property on Bridgehead Road had recently been developed with 17 houses, and with the original seven houses on the road as well as construction traffic, traffic would be greatly increased. He said he had seen people run the stop sign and that he had vehicles coming to his house at the end of the dead-end road all times of day and night. He said the original residents love the land and they asked if the driveways in this development could not have access directly onto Bridgehead Road.
- Jennifer Barrow, 4229 Bridgehead Road, said her family had some of the same concerns as Boland. She said the road is narrow and adding 15 driveways on Bridgehead Road would greatly increase traffic. She asked if more driveways could access Union Grove Road instead of Bridgehead. She said people speed on Bridgehead, but added that she understood about development and said that they had had some good neighbors move in.

Rebuttal – proponents:

- None

Rebuttal – opponents:

- None

Mayor Sullivan closed the public hearing.

Mayor Pro Tem Kinneman made a motion that the proposed zoning amendment be approved based on the following:

1. *The proposed zoning amendment is consistent with the adopted comprehensive plan of the Town of Oak Ridge. The Planning Board has provided the Council with its written statement that the proposed zoning amendment is consistent with the comprehensive plan, and the Council concurs and adopts the Planning Board's finding of consistency by reference. In addition, the Council further finds that the proposed zoning amendment is consistent with the comprehensive plan because:*
 - *It is in support of Objective 1.2 which recommends RS-40 outside the Town Core for properties with marginal environmental, agricultural, historic or community open space.*
- AND*
2. *The proposed zoning amendment is reasonable. The Council considers the proposed zoning amendment to be reasonable because:*
 - A. *The report of the Town staff finding the proposed zoning amendment to be reasonable is adopted by reference.*

- B. *The Council further finds that the proposed zoning amendment is reasonable because it is bounded on three sides by existing roads, dissipating traffic and limiting the impact on neighboring properties.*

AND

3. *The proposed zoning amendment is in the public interest. This Council considers the proposed zoning amendment to be in the public interest because:*
- A. *The report of the Town staff finding the proposed zoning amendment to be in the public interest is adopted by reference.*
- B. *The Council further finds that the proposed zoning amendment is in the public interest because it is bounded on three sides by existing roads, requiring minimal addition of impervious surface for roads and access. Addition of a single, short, new road will add minimally to stormwater run-off.*

Councilman McClellan seconded the motion.

Council discussion/questions:

- Councilman McClellan asked what the speed limit was on Bridgehead. William Boland said there was no posted speed limit, only one sign that recommends only driving 25 mph in the curve. McClellan asked if Town Manager Bill Bruce could ask NCDOT to lower the speed limit to 25 mph. Bruce said with a request from Council he could ask NCDOT to study the speed limit, but the decision on whether to lower it would be theirs.
Council agreed by consensus to direct Bruce to ask NCDOT to study the speed limit on Bridgehead Road.
McClellan asked Rohrer how many driveways would be on Bridgehead Road. Rohrer said initial designs have shown five driveways have direct access to Bridgehead Road and five have direct access to Union Grove Road. He said a short road would be built into the development from Bridgehead Road with 10 lots on it, giving a total of 15 lots direct access to Bridgehead Road. McClellan asked if there was any way to put less pressure on Bridgehead Road, and Rohrer said he would look.
- Mayor Pro Tem Kinneman asked if there would be a homeowners' association or any common areas. Rohrer said a homeowners' association would be created and there might possibly be some common area. Kinneman asked if the property is located within the Scenic Corridor, and Taylor said yes. Kinneman asked if landscaping would be a requirement of the Scenic Corridor ordinance, and Taylor said no because that is not required with RS-40. Taylor said the developer had told him his desire was to keep the current viewshed as much as possible.
- Councilman Nodine asked if the Council could make it a condition of the rezoning that the developer had to agree to limit the number of driveways. Taylor said no because the property owners had requested straight RS-40 zoning, not conditional use RS-40. In order to make that a condition, the public hearings would have to be re-advertised, Taylor said.
- Mayor Sullivan said he agreed with the other members of the Council and he thought they were trying to limit direct access to Bridgehead Road. He said an article in that week's *Northwest Observer* explained that it would be difficult to put a road down the middle of the property and still be able to get

40,000-square-foot lots. He said the Town would encourage NCDOT to do its due diligence to make improvements to Bridgehead Road if needed.

The motion to approve the rezoning request was passed unanimously (4-0).

TOWN MANAGER'S REPORT

A. Board/Commission recommendations.

Mayor Pro Tem Kinneman moved to recommend the reappointments of Larry Stafford as the ETJ South representative on the Planning & Zoning Board and Sandra Smith as the Town representative on the Triad Municipal ABC Board. Councilman McClellan seconded the motion, and it was approved unanimously (4-0).

B. Board/Commission appointments.

Councilman McClellan made a motion to approve the reappointment of Tracy Street to the Parks & Recreation Advisory Board. Mayor Pro Tem Kinneman seconded the motion, and it was approved unanimously (4-0).

C. Resolution of support.

Bruce presented R-2019-04:

RESOLUTION R-2019-04

RESOLUTION OF SUPPORT OF NCDOT'S RECOMMENDATION FOR NC 68 INCLUDING INTERSECTION IMPROVEMENTS (STIP PROJECT R-5725)

WHEREAS, The North Carolina Department of Transportation (NCDOT) proposes improvements to NC 68 from Fogleman Road (S.R. 2129) to NC 150/Oak Ridge Road (S.R. 2137), including intersection improvements at Linville Road (S.R. 2022), Marketplace Drive, and NC 150/Oak Ridge Road (S.R. 2137); and

WHEREAS, The project will accommodate much-needed safety improvements for motorists, pedestrians, and bicyclists; and

WHEREAS, A policy of the adopted Oak Ridge Strategic Plan is to work with NCDOT to ensure that functional improvements to the NC 68/NC 150 intersection and NC 68 corridor incorporate pedestrian safety measures including sidewalks, crosswalks, and landscaping; and

WHEREAS, Improving safety on NC 68 and NC 150 is an objective of the adopted Oak Ridge Land Use Plan (Objective 5.3); and

WHEREAS, Pedestrian and bicycle safety and aesthetic improvements are goals of the adopted Town of Oak Ridge Pedestrian Plan and Streetscape Vision Plan; and

WHEREAS, After gathering public input and completing a detailed technical analysis, NCDOT has requested that the Town of Oak Ridge approve a Resolution of Support for the NCDOT preferred alternative; and

WHEREAS, The proposed preferred alternative best matches the goals and policies of the aforementioned Town of Oak Ridge adopted plans.

NOW, THEREFORE, BE IT RESOLVED, that the Oak Ridge Town Council supports NCDOT's recommendation of a signalized intersection improvement at NC 68/NC 150 and roundabouts at Marketplace Drive/NC 150 and Linville Road/NC 68, as depicted on the attached schematic illustration.

Adopted, this 1st day of August, 2019.

* * *

Bruce reported that the resolution had been considered at the Council's July 11 meeting. Bruce said he had continued to get the requested information from NCDOT, which he had distributed to Council on July 17. He said the only change on the resolution from the one presented at the July meeting was the current date.

After discussion, Councilman McClellan made a motion to approve R-2019-04. Mayor Pro Tem Kinneman seconded the motion, and it was passed unanimously (4-0).

D. Open space.

Bruce presented a memo, which is hereby incorporated by reference and made a part of the minutes, and R-2019-06:

RESOLUTION R-2019-06

**RESOLUTION TO
ACCEPT OPEN SPACE DEDICATION
IN RIVERSIDE SUBDIVISION**

WHEREAS, The Town of Oak Ridge has long recognized the importance of undeveloped wooded/natural areas, open space, and walking paths and trails; and

WHEREAS, Town leaders declared in the Strategic Plan, adopted December 6, 2018, that public open space should be dedicated along floodplains and trail corridors during subdivision development; and

WHEREAS, The Town Council has demonstrated support for the Mountains-to-Sea Trail being routed through the Town and also appointed a committee to help develop such a trail; and

WHEREAS, The Town of Oak Ridge Development Ordinance Section 30-623(c)(2)a states that land dedicated as public open space on a plat shall be considered offered for dedication until such offer is accepted by the Jurisdiction, and that the offer may be accepted by the jurisdiction through express action by the Town Council.

NOW, THEREFORE, BE IT RESOLVED, that the Town Council of the Town of Oak Ridge hereby accepts the public open space dedication in the Riverside subdivision consisting of parcel #222893 recorded in Plat Book 189 Page 61, parcel #227750 recorded in Plat Book 197 Pages 33 and 34, and parcel #(to be determined) recorded in Plat Book 201 Page 1 at the Guilford County Register of Deeds (maps attached).

Adopted, this 1st day of August, 2019.

* * *

After discussion, Councilman McClellan moved to accept R-2019-06, Resolution to Accept Open Space Dedication in Riverside Subdivision. Mayor Pro Tem Kinneman seconded the motion, and it was passed unanimously (4-0).

E. Sidewalk construction.

Bruce announced that sidewalk construction along NC 150 between Oak Ridge Swim Club and Chalet Drive was drawing to a close and people are using the sidewalk. He reminded citizens that there is still an active lease and the property is being farmed. He asked them to be respectful while the Parks & Recreation Master Plan is being completed and the Town decides what to do with its property along NC 150.

9. PUBLIC COMMENTS

- Van Tanner, 6605 Ashton Park Drive, said he was confused about the Town Council's adoption of the Strategic Plan's Policy 1.1.1, which said no more than 20 percent of the acreage at Oak Ridge Town Park should be devoted to active recreation. He said currently Oak Ridge Youth Association needs more fields and other facilities are wanted by other residents. He said the Whitaker property that was purchased by the Town seems like a logical place for such amenities but said that might be at odds with the Strategic Plan's Goal 1.2, which says the Whitaker property will be retained primarily as open space.

10. MONTHLY FINANCIAL UPDATE

Finance Officer Sam Anders presented the financial report, which is hereby incorporated by reference and made a part of the minutes. He also reported on a budget amendment and said the annual letter of engagement with his firm was needed.

Councilman McClellan made a motion to give the Finance Officer to adjust the budget, increasing administrative workers comp by \$365 and park workers by \$800 and decreasing the fund balance by \$1,165. Councilman Nodine seconded the motion, and it was passed unanimously (4-0).

Mayor Pro Tem Kinneman moved to approve the annual letter of engagement with Anders. Councilman McClellan seconded the motion, and it was passed unanimously (4-0).

Councilman McClellan made a motion to accept the Finance Officer's report. Councilman Nodine seconded the motion, and it was passed unanimously (4-0).

11. COMMUNITY UPDATES

A. Historic Preservation Commission.

Chair Debbie Shoenfeld reported:

- The Commission met in July and approved a Certificate of Appropriateness (COA) for a new house on Billet Road and continued a COA for signage at the new Rio Grande restaurant.
- Donations were still being accepted to offset the cost of replacing rotten wood at the historic St. James AME Church.

B. Special Events Committee.

Chair Patti Dmuchowski said:

- The group is working on sponsorship opportunities for the parade and Light Up the Night event, which are only 3½ months away. Community Trees and Stars and the tree lighting will also happen on the same night.
- Planning is continuing for a veterans' memorial and a total of \$4,715 has been donated so far.

C. Oak Ridge Youth Association.

President Tom Collins reported on many things going on with the organization, and said summer programs were coming to an end as school is about to start.

D. Parks & Recreation Advisory Board.

Vice Chair Phyllis Anders reported:

- The Board spent most of its last meeting discussing the parks & recreation survey. They also discussed the proposed veterans' memorial.
- Music in the Park would be held August 10 featuring music by The Tyler Millard Band.

E. Oak Ridge Military Academy.

No report

F. Planning & Zoning Board.

Member Jason Streck said that in addition to the rezonings discussed earlier in the meeting, the Board also discussed a street plan for a new subdivision, Oak Ridge Landing. Although the Board did not vote on the matter, instead deciding to wait for the subdivision plan, members did provide some feedback to the developer.

G. Mountains-to-Sea Trail Committee.

Co-chair Bill Royal reported:

- Members of Oak Ridge Fire Department attended the last meeting and brought a rescue vehicle that would be used if needed on the trail. They also discussed a trail marker numbering system to determine an exact location in case of emergency.
- The committee had been working on a logo to use on all trails in Oak Ridge and Royal showed the new logo to Council. Along with signs, the committee would like to use the logo on items such as hats and T-shirts.
- Regarding the dedication of open space approved by the Council earlier in the meeting, the committee has been planning the trail route through the Riverside development.
- The Mountains-to-Sea Trail's 42nd anniversary would be marked by a birthday hike. Oak Ridge's hike would be in the Cascades Preserve on September 7 beginning at 9 a.m.

H. Merchants of Oak Ridge.

No report

12. PUBLIC COMMENTS

- Patti Dmuchowski, 7320 Hidden View Drive, spoke about the 35 mph speed limit on NC 68 and said the majority of drivers, especially those in big trucks, are not adhering to the new speed limit.

13. COUNCIL COMMENTS

14. ADJOURNMENT

Mayor Pro Tem Kinneman made a motion to adjourn the meeting at 8:53 p.m. Councilman Nodine seconded the motion, and it was passed unanimously (4-0).

Respectfully Submitted:

Sandra B. Smith, NCCMC, CMC
Town Clerk

Spencer Sullivan
Mayor